

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Jan Zavada et al.

Serial No.: 10/795,933 Group Art Unit: 1635

Filed : March 8, 2004 Examiner: Dana H. Shin

For : MN Gene and Protein

AMENDMENT

MAIL STOP AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This Amendment to the above-identified application is in response to the Office Action mailed from the U.S. Patent and Trademark Office (PTO) on June 12, 2007.

Telephone Interview of May 21, 2007

Applicants gratefully acknowledge the telephone interview granted by Examiner Dana Shin on May 21, 2007. In that interview, Applicants respectfully pointed out that the support for MN antisense oligonucleotide constructs in the instant specification was implicitly provided in the support for MN antisense constructs and MN antisense oligonucleotides.

As directed by MPEP §2163.02, the claims are read in terms of what one of skill in the art would understand, and that the "claims need not be described literally" in order to satisfy the written description requirement. Applicants respectfully pointed out that Point 8 of the Grunert Declaration (at page 7; submitted in the Jan. 4, 2007 response) stated that methods of "delivering" antisense oligonucleotides in vectors were known in the art, and Applicants referred the Examiner to the references incorporated in the specification (at page 92, line 1 to page 94, line 11) which taught methods of preparing constructs for antisense delivery.

Examiner Shin stated that there were several technical problems with antisense oligonucleotide vectors, and that they were not well-developed. Applicants responded that at the time of filing, it was not necessary to have any working examples; further, that all the structural elements were described (antisense nucleotide sequences, constructs, promoters), and therefore one of skill in the art would be able to prepare such constructs, especially since the specification described the use of antisense constructs with MN cDNA. Examiner Shin indicated that she would send a non-final office action.